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Kiewit Pacific Company

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIRK DOUGLAS WILLIAMS,)	Case No. C 05-4626 JSW ENE
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO EXTEND DEADLINE TO
v.)	CONDUCT EARLY NEUTRAL
)	EVALUATION AND TO SCHEDULE
KIEWIT PACIFIC CO., BRENT NIELSEN,)	CASE MANAGEMENT CONFERENCE
ED TAYLOR, AND DONALD YOUNG,)	
DOES 1 THROUGH 10)	
)	
Defendants.)	
)	

Pursuant to Civil L.R. 6-2 and 16-10(c) and ADR L.R. 5-5, and for the reasons set forth in the accompanying Declaration of Counsel, plaintiff Kirk D. Williams and defendant Kiewit Pacific Company stipulate that the deadline for them to conduct an early neutral evaluation should be extended until May 31, 2006 and that the Court should schedule a case management conference for Friday, June 23, 2006, at 1:30 p.m., in the event that this case is not resolved before then. The parties further stipulate that:

1. On February 10, 2006, this Court referred this case to ENE and ordered the parties to conduct the session within 60 days, if possible. Under ADR L.R. 5-4(b), the normal deadline

1 for conducting such an evaluation is 90 days. An earlier deadline can impose hardships on the
2 neutral and the parties to schedule and complete the pre-ENE session, prepare and review written
3 ENE statements, and schedule and attend the ENE session, pursuant to ADR L.R. 5-7, 5-8, and
4 5-10, in the time allowed. Furthermore, plaintiffs' counsel just entered his appearance on
5 February 28, 2006. Extending the deadline to conduct ENE by 21 days beyond the normal
6 deadline would give him an opportunity to more meaningfully prepare for and participate in the
7 session.

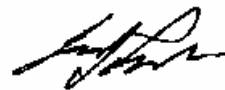
8 2. In the event that the case is not resolved at ENE, scheduling a CMC in late June
9 2006 would permit the parties to report what progress they have made since the initial CMC and
10 what plans they have to complete discovery and to narrow legal and factual issues as a result of
11 ENE. Furthermore, it would allow plaintiff's counsel, who was not involved in the initial CMC,
12 to present his views on case management issues.

13 3. There have been no previous time modifications in this case.

14 4. Neither extending the deadline to conduct ENE nor scheduling a CMC will effect
15 the other events in the Court's February 14, 2006 order scheduling trial and pre-trial matters.

16 DATED: March 2, 2006

JAMES JOSEPH LYNCH, JR.



James Joseph Lynch, Jr.
Attorney for Plaintiff
KIRK D. WILLIAMS

21 DATED: March 2, 2006

SEYFARTH SHAW LLP

23 By /s/ Todd C. Amidon

Todd C. Amidon
Attorneys for Defendant
KIEWIT PACIFIC COMPANY

26 I attest that I obtained James Joseph Lynch Jr.'s concurrence in the filing of this
27 document. I will maintain records to show this concurrence for subsequent production for the
28

1 Court if so ordered or for inspection upon request by a party until one year after final resolution
2 of this action (including appeal, if any).

3 DATED: March 2, 2006
4

5 /s/ Todd C. Amidon
6 Todd C. Amidon

7 **PURSUANT TO STIPULATION, IT IS SO**
8 **ORDERED.**

9 DATED: March 17, 2006
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Jeffrey S. White
Jeffrey S. White
United States District Judge

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